

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VINCENT COATES,

Plaintiff,

v.

D. CASTILLA, ET AL.,

Defendants.

Case No. 20-cv-11101

U.S. DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

U.S. MAGISTRATE JUDGE
JONATHAN J.C. GREY

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION [#31], DENYING PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT [#21] AND GRANTING SELECT DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT [#22]**

On April 3, 2020, incarcerated Plaintiff Vincent Cotes commenced this 42 U.S.C. § 1983 action alleging Defendants D. Castilla, Teresa Kik, Marguerite Howard, and Katherine Garduno-Klynstra (collectively, the “Defendants”), violated his First and Eighth Amendment rights. ECF No. 1, PageID.7. This Court dismissed Mr. Coates’ Eighth Amendment claim on January 25, 2021. ECF No. 8, PageID.59. Defendants Castilla and Garduno-Klynstra filed motions for summary judgment on November 8, 2021 and December 3, 2021, respectively. *See* ECF Nos. 21, 22. Mr. Coates submitted his Responses in Opposition on December 7, 2021, and January 5, 2022. *See* ECF Nos. 24, 30. On December 20, 2021, Defendant Castilla filed a Reply to Mr. Coates’ Response. *See* ECF No. 27.

Presently before the Court is United States Magistrate Judge Jonathon J.C. Grey's Report and Recommendation concerning the Defendants' motions for summary judgment. *See* ECF No. 31. Magistrate Judge Grey recommends that this Court grant Defendants' motions because Mr. Coates failed to exhaust his administrative remedies against either Defendant. ECF No. 31, PageID.294, 296. Mr. Coates did not file objections to the Report and Recommendation, and the opportunity to file objections has passed. FED. R. CIV. P. 72(b)(2).

When no objections are timely filed, a district court reviews a magistrate judge's report and recommendation for clear error. FED. R. CIV. P. 72, advisory committee note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). The Court reviewed the Report and Recommendation and found no clear error.

Therefore, the Court ACCEPTS and ADOPTS Magistrate Judge Grey's Report and Recommendation [#31], as this Court's findings of fact and conclusions of law. Defendant Castilla's Motion for Summary Judgment [#21] is GRANTED.

Defendant Garduno-Klynstra's Motion for Summary Judgment [#22] is GRANTED.

IT IS SO ORDERED.

Dated: June 15, 2022

/s/ Gershwin A. Drain
GERSHWIN A. DRAIN
U.S. DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
June 15, 2022, by electronic and/or ordinary mail.

/s/ Teresa McGovern
Case Manager